

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

February 17, 2004

**CALL TO PODIUM:**

Mark DePoe

**RESPONSIBLE STAFF:**

Mark DePoe,  
Long Range Planning Director

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing "JOINT"
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	12/17/2003
	12/24/2003
Hearing Date	2/17/2004
Record Held Open	
Policy Discussion	

**TITLE: MP-2-03**

Special Conditions Associated with Map Designations and Special Study Areas of the Master Plan Amendment MP-1-03: 2003 Land Use Plan, an Element of the City's Master Plan.

**SUPPORTING BACKGROUND:**

Gaithersburg, as an incorporated city, is subject to Article 66B—Land Use, of the Annotated Code of Maryland. Section 3.05, of Article 66B, requires that the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. The 2003 Land Use Plan Element is a revision and amendment to the City's 1997 Master Plan and was adopted by the Mayor and City Council on December 15, 2003.

As stated in the 2003 Land Use Plan Element, special conditions require a separate public hearing. The 2003 Land Use Plan Element which includes, fifty-seven separate map designations, five special study areas, and supporting information is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas.

The special conditions described in the adopted 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the special conditions.

Planning Commission recommendation is tentatively scheduled for March 3, 2004. The Mayor and Council policy discussion and possible adoption are tentatively scheduled for March 15, 2004.

**Attached:**

- Exhibit 1: Joint Public Hearing Advertisement
- Exhibit 2: Resolution PCR-2-03
- Exhibit 3: Resolution R-103-03
- Exhibit 4: Ordinance O-1-04
- Exhibit 5: Map Designation with Special Conditions
- Exhibit 6: Special Study Areas with Special Conditions

**DESIRED OUTCOME:**

Hold Record Open: Planning Commission for 15 days (March 3, 2004); Mayor and City Council for 27 days (March 15, 2004).



## NOTICE OF JOINT PUBLIC HEARING

### SPECIAL CONDITIONS ASSOCIATED WITH THE 2003 LAND USE PLAN AN ELEMENT OF THE CITY OF GAITHERSBURG MASTER PLAN

The Mayor and Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on the Special Conditions associated with the Map Designations and Special Study Areas of the Master Plan Amendment MP-1-03: 2003 Land Use Plan, an element of the City's Master Plan, on

TUESDAY  
FEBRUARY 17, 2004  
AT 7:30 P.M.

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

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Further information is available, as well as a map depicting the map designations and study areas and the 2003 Land Use Element for public inspection from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday. The 2003 Land Use Element can also be viewed on the City's website [www.ci.gaithersburg.md.us](http://www.ci.gaithersburg.md.us).

To register your intent to testify at the public hearing, or for any questions related to the draft land use plan, please contact Mark DePoe at the Planning and Code Administration at 258-6330.

Mark A. DePoe  
Long-Range Planning Director

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • [cityhall@ci.gaithersburg.md.us](mailto:cityhall@ci.gaithersburg.md.us) • [www.ci.gaithersburg.md.us](http://www.ci.gaithersburg.md.us)

MAYOR  
Sidney A. Katz

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Geraldine E. Edens  
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John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton



**NOTICE OF JOINT PUBLIC HEARING**  
**SPECIAL CONDITIONS ASSOCIATED WITH THE**  
**2003 LAND USE PLAN AN ELEMENT OF THE**  
**CITY OF GAITHERSBURG MASTER PLAN**

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As stated in the 2003 Land Use Plan Element, special conditions require a separate public hearing. The 2003 Land Use Plan Element which includes, fifty-seven separate map designations, five special study areas, and supporting information is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas. Public comment is invited at the joint public hearing on the special conditions of 2003 Land Use Plan Element.

Further information is available, as well as a map depicting the map designations and study areas and the 2003 Land Use Element for public inspection from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday. The 2003 Land Use Element can also be viewed on the City's website [www.ci.gaithersburg.md.us](http://www.ci.gaithersburg.md.us).

To register your intent to testify at the public hearing, or for any questions related to the draft land use plan, please contact Mark DePoe at the Planning and Code Administration at 258-6330.

Mark A. DePoe  
Long-Range Planning Director

1309676

(12-17,12-24-03)

1309676

RESOLUTION NO. PCR-2-03

RESOLUTION OF THE PLANNING COMMISSION  
APPROVING AN AMENDMENT TO THE GENERAL PLAN  
FOR THE CITY OF GAITHERSBURG MASTER PLAN  
REVISING THE LAND USE ELEMENT AND  
PROCESS AND CITY OVERVIEW

(MP-1-03)

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommend same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the City has revised its approach for preparing its land use element from the review and update of planning neighborhoods to the city-wide review and update of special study areas and planning map designations through a comprehensive theme-based approach.

WHEREAS, the Gaithersburg Planning Commission has embarked on City-wide land use amendments as part of the revisions to the 1997 City Master Plan; and

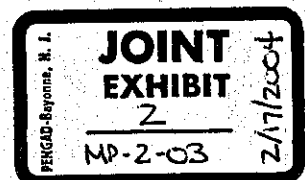
WHEREAS, such City-wide land use plan amendments are for the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the entire City and which will, in accordance with present and future needs, best promote the health, safety, order, convenience, property and general welfare, as well as efficiency and economy in the process of development; and

WHEREAS, the draft Land Use Plan, dated May 8, 2003, outlined specific land use recommendations on a City-wide basis that includes five (5) special study areas and fifty-seven (57) map designations with supporting information that incorporates the master plan process and city overview; and

WHEREAS, the aforementioned draft plan was the subject of a joint Planning Commission and Mayor and City Council public hearing on July 21, 2003 (MP-1-03); and

WHEREAS, a thorough review and study of testimony, correspondence and other documentation on the draft plan was completed through a series of stakeholders meetings and public work sessions, a joint public hearing, and a Planning Commission discussion on September 2, 2003; and

WHEREAS, a zoning text amendment (T-228) was adopted by the Mayor and City Council on December 3, 1984, granting powers whereby special conditions for development and use of property can be addressed as part of the land use element of the Master Plan and are binding at



time of the site development review by the Planning Commission (Ordinance No. O-23-84); and

WHEREAS, the application of special conditions, the comprehensive rezoning, and the site plan review process are all tools whereby the development type and staging (i.e. numbers of residential units and square footage of development space principally in relation to road and school capacity) adopted as a guide in the draft Land Use Plan may be further refined and revised by the Mayor and City Council and/or the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City of Gaithersburg Planning Commission that the General Plan for the City of Gaithersburg, approved by this Commission on December 30, 1974, and last amended on December 13, 2000, be and it hereby is further amended as follows:

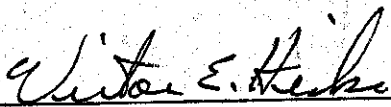
The Master Plan Land Use Element, dated May 8, 2003, consisting of the Land Use Plan that contains five (5) distinct "Special Study Areas" and fifty seven (57) citywide "Map Designations" and the Master Plan process and City overview supporting information is hereby approved subject to the following revisions to:

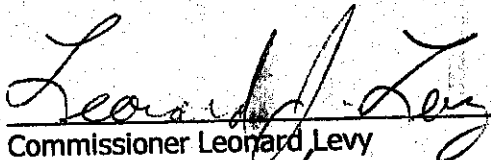
- Page 6, Add the following sentence, "Some of these special study areas will contain special conditions relating to approval of development to be consistent with the requirements of the Master Plan." after the first sentence in the third paragraph of the Special Study Area section.
- Page 6, Following Special Study Areas section add a section entitled, "Special Conditions" with the following statement, " An important feature of the Master Plan is to identify conditions for the approval of development of certain identified properties and areas to implement Section 24-170A and Section 24-160D.10(b)(3) of the City Zoning Ordinance. Schematic development plans under the MXD zone and for all site development planning irrespective of the zoning district for properties and/or areas containing special condition requirements may only be approved upon a finding of compliance or consistency with the special condition set forth in the Master Plan and these conditions are mandatory in terms of approvals of schematic development plans under the MXD zone and for all site development planning irrespective of the zoning district."
- Page 7, Eliminate the "Special Study Areas" title and the paragraph that follows. This paragraph is a duplicate of a previous paragraph of page 6.
- Page 139, Following the second paragraph under Special Study Area Review add the following statement. "The development of this property is governed by a second addendum to annexation agreement dated April 22, 2003. The recommendations below must be consistent with the terms of the second addendum and any inconsistency shall be resolved in favor of the terms and provisions of the second addendum."
- Special Study Area 7: Casey Metropolitan Grove Road, Include a special condition for each development option that requires the areas designated as "Park" to be preserved, as much as possible, in their present condition and that any such development that may occur shall limit the amount of disturbance and protect the environment.

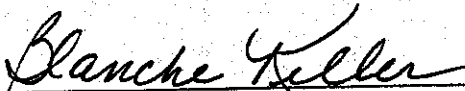
The primary intent of the open space designation is to protect natural resources and environmentally sensitive areas, to establish additional parkland, and to confirm city-owned property or privately owned property that has been designated, protected or preserved as an easement, open space, green space, outlot, active or passive parkland, or deemed undevelopable per an approved schematic development plan or site development plan.

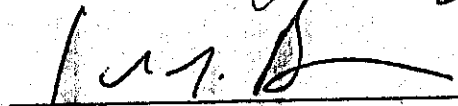
The map prepared by the City of Gaithersburg Planning and Code Administration, entitled "City of Gaithersburg Master Plan Map Designations and Special Study Areas 2003" is hereby approved.

WE DO HEREBY CERTIFY that the above resolution was adopted by the City of Gaithersburg Planning Commission by the following vote of 4-0, with Commissioner Winborne being absent, on September 3, 2003:

  
\_\_\_\_\_  
Commissioner Victor E. Hicks

  
\_\_\_\_\_  
Commissioner Leonard Levy

  
\_\_\_\_\_  
Blanche Keller, Chairman  
Gaithersburg Planning Commission

  
\_\_\_\_\_  
John Bauer, Secretary  
Gaithersburg Planning Commission



RESOLUTION NO. R-103-03

RESOLUTION OF THE MAYOR AND CITY COUNCIL  
ADOPTING AN AMENDMENT TO THE GENERAL PLAN  
FOR THE CITY OF GAITHERSBURG MASTER PLAN  
LAND USE ELEMENT AND PROCESS AND CITY OVERVIEW

AS APPROVED AND RECOMMENDED BY  
THE PLANNING COMMISSION ON SEPTEMBER 3, 2003

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON DECEMBER 15, 2003

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommends the same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Mayor and City Council have held a series of public sessions to work on elements of the text of recommendations to include in this Master Plan Amendment, including certain special study areas and map designations; and

WHEREAS, the Planning Commission held a joint public hearing with the Mayor and City Council on July 21, 2003, on a proposed amendment to the General Plan revising and amending the Master Plan Land Use element and process and city overview, and after careful survey and study of present conditions and anticipated future growth to the City and the adjacent area, the Planning Commission approved Resolution No. PCR-2-03 on September 3, 2003, being the approval of a master plan amendment entitled 2003 Master Plan Land Use Element and Process and City Overview, and transmitted an attested copy of the same as its recommendation to the Mayor and City Council which is hereby attached and incorporated as part of this resolution; and

WHEREAS, the General Plan and amendments made from time to time, provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that a general plan amendment known as 2003 Master Plan Land Use Element and Process and City Overview, thoroughly reviewed by the legislative body during the joint public hearing conducted on July 21, 2003, approved by the City Planning Commission on September 3, 2003, and recommended to the legislative body (as PCR-2-03) is hereby adopted by the





Mayor and City Council as an amendment to the General Plan for the City, the 1997 *City of Gaithersburg Master Plan*, as heretofore amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, pursuant to the adoption of PCR-2-03 and all subsequent Resolutions by the City Council, are hereby approved and ratified to the extent not inconsistent with this Resolution subject to the following revisions to:

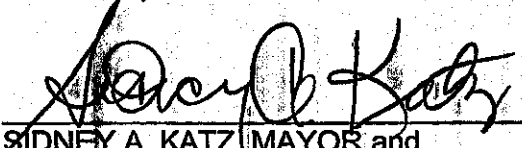
- Pages 88 and 89, Map Designation 26, Eliminate the last sentence of the fourth paragraph that begins, "Should the land swap occur...". Eliminate the fifth paragraph that begins, "It is also the intent of this land use plan..." Eliminate the "Conversion Formula for Map Designation 26" section.
- Page 88, Map Designation 26, Add the sentence, "Should the land swap occur, the land obtained by the City should be preserved and incorporated into the Malcolm King Park and designated as open space and the land obtained from the City should be incorporated into the Washingtonian Center development and designated as commercial-industrial-research-office." to the end of the fourth paragraph. In addition the Land Use and Zoning Actions shall be changed to reflect the above land use recommendations.
- Page 104, Map Designation 38, Eliminate the second sentence in the first paragraph that discusses the land exchange of the property.
- Page 162, Special Study Area Casey-Metropolitan Grove, Revise the second to last sentence to state, "The traffic generated by the proposed development, plus all approved subdivisions and all other current uses, shall be considered in determining whether critical intersections and surrounding roads operate at an acceptable level of service regarding traffic mitigation."
- Page 163, Special Study Area Casey-Metropolitan Grove, After the first full sentence add the following, "The traffic impact study should also include what, if any, transportation improvements and/or mitigation measures would be employed to bring about acceptable levels of service."
- Page 171, Special Study Area Casey-Metropolitan Grove, Add the following, "SPECIAL CONDITIONS (Subject to additional public hearing) The following special conditions apply to all of the three development options for the northern properties of the Casey-Metropolitan Grove Road Special Study Area. The Development Staging and Phasing, Transportation Improvements, Staging Objectives and Project Goals, and Development Assumptions sections as stipulated above on pages 161-165 of the Casey-Metropolitan Grove Road Special Study Area shall be part of the staging and phasing of any development proposed for this study area, regardless of the land use option chosen. The staging, phasing and density of development is to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the nine adopted Master Plan Themes. The implementation of staging elements for this study area will be controlled by the approval process for the Mixed Use Development (MXD) Zone through the schematic development plan (SDP) approval process. Phasing of development and the total square footage and number of housing units for each phase will be determined in accordance with the adopted Master Plan Themes and will not be approved until a traffic impact study is submitted and its conclusions acceptable to the City and its traffic engineer. Development which generates 50 or more peak hour trips will not be approved if it is found that unacceptable critical lane volumes of 1,450 exist at nearby critical

intersections (taking into account existing and programmed transportation improvements), unless the developer makes transportation improvements and employs any approved traffic mitigation techniques or public improvements are progressed for construction with public funds committed to such construction that would improve the existing Level of Service (LOS). However, simply meeting the critical lane volume standard of 1,450 does not guarantee that additional improvements can not be required. The traffic impact study should be prepared utilizing: (1) the standard ITE trip generation rates, (2) local trip distribution patterns based on good traffic engineering practices, and (3) the Critical Lane Analysis method to determine acceptable levels of service or any other method readily acceptable. Additional information may be required during the course of review of any proposed plan for the area."

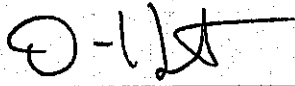
- Page 164, Remove the Transit Rail Yard Alternative 1 designation from the "Staging Objectives and Project Goals" illustrative map. Page 165, Remove Alternative 1 of the potential Corridor Cities Transitway sites and renumber Alternative 2 and Alternative 3 as Alternative 1 and Alternative 2, respectfully. Page 167, 169 and 171, Remove the Transit Rail Yard Alternative 1 designation from the illustrative maps for each of the three land use options of the Casey-Metropolitan Grove special study area.

Maps and illustrative material may be revised where necessary to conform to City Council actions. The text may be revised as necessary to achieve clarity and consistency and to convey the actions of the City Council.

ADOPTED by the City Council this 15th day of December, 2003.

  
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
on the 15th day of December, 2003.

  
\_\_\_\_\_  
David B. Humpton, City Manager

ORDINANCE No. O-1-04

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED, "ZONING," ARTICLE I, ENTITLED, "IN GENERAL," SO AS TO CREATE NEW §24-8A ENTITLED, "APPLICABILITY OF SPECIAL CONDITIONS," TO REQUIRE COMPLIANCE WITH MASTER PLAN SPECIAL CONDITIONS ON APPROVALS OF APPLICATIONS FOR LOCAL MAP AMENDMENTS, SKETCH PLANS AND SCHEMATIC DEVELOPMENT PLANS, CONCEPT PLANS (CD ZONE), OPTIONAL METHOD AND SPECIAL EXCEPTION, AND FURTHER TO AMEND ARTICLE V, ENTITLED, "SITE DEVELOPMENT PLANS," §24-107A ENTITLED, "SPECIAL CONDITIONS," TO CONFORM TO NEW §24-8A OF CHAPTER 24

**Text Amendment T-360**

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, Maryland, in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article I is hereby amended to create new §24-8A to read as follows:

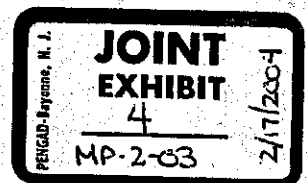
ARTICLE I. IN GENERAL

\* \* \* \* \*

**Sec. 24-8A. Applicability of Special Conditions.**

The city council and the city board of appeals as applicable, may approve a local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendment thereto for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof or special conditions or requirements as to availability of public facilities only upon a finding that said local map amendment, sketch plan, schematic development plan, concept plan (CD Zone), optional method application, special exception or amendments thereto is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.

The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such application and plan approvals shall be subject to enforcement procedures and requirements applicable to violations of this Chapter 24 as established by this Code.



The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

BE IT FURTHER ORDAINED, by the Mayor and Council of the City of Gaithersburg in public meeting assembled that Chapter 24 of the City Code (City Zoning Ordinance), Article V, §24-170A is hereby amended to read as follows:

#### ARTICLE V. SITE DEVELOPMENT PLANS

\* \* \* \* \*

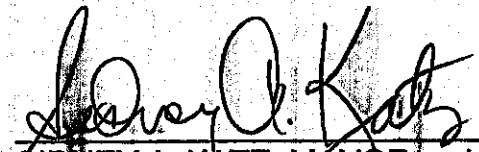
##### **Sec. 24-170A. Special Conditions.**

The city planning commission may approve a site development plan for properties specifically identified in a master plan or amendment thereto having special conditions or requirements for the development and use thereof, or special conditions and requirements as to availability of public facilities only upon a finding that said site development plan is consistent with the conditions and requirements specified in the master plan or amendment regarding said property.


The special conditions and requirements for the development and use of these properties or public facilities requirements applicable thereto shall be imposed and set forth in the master plan or amendment thereto only after notice to the property owner and general public and a public hearing thereon as part of the master plan process. All such site development plans shall be subject to enforcement procedures and requirements applicable to site development plans generally as established by this Code.

The provisions of this section shall apply only to master plans and amendments thereto adopted after December 24, 1984.

ADOPTED this 5th day of January, 2004, by the City Council of Gaithersburg, Maryland.

  
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 5th day of January, 2004, APPROVED by the Mayor of the City of Gaithersburg, Maryland, this 5th day of January, 2004.

  
SIDNEY A. KATZ, MAYOR

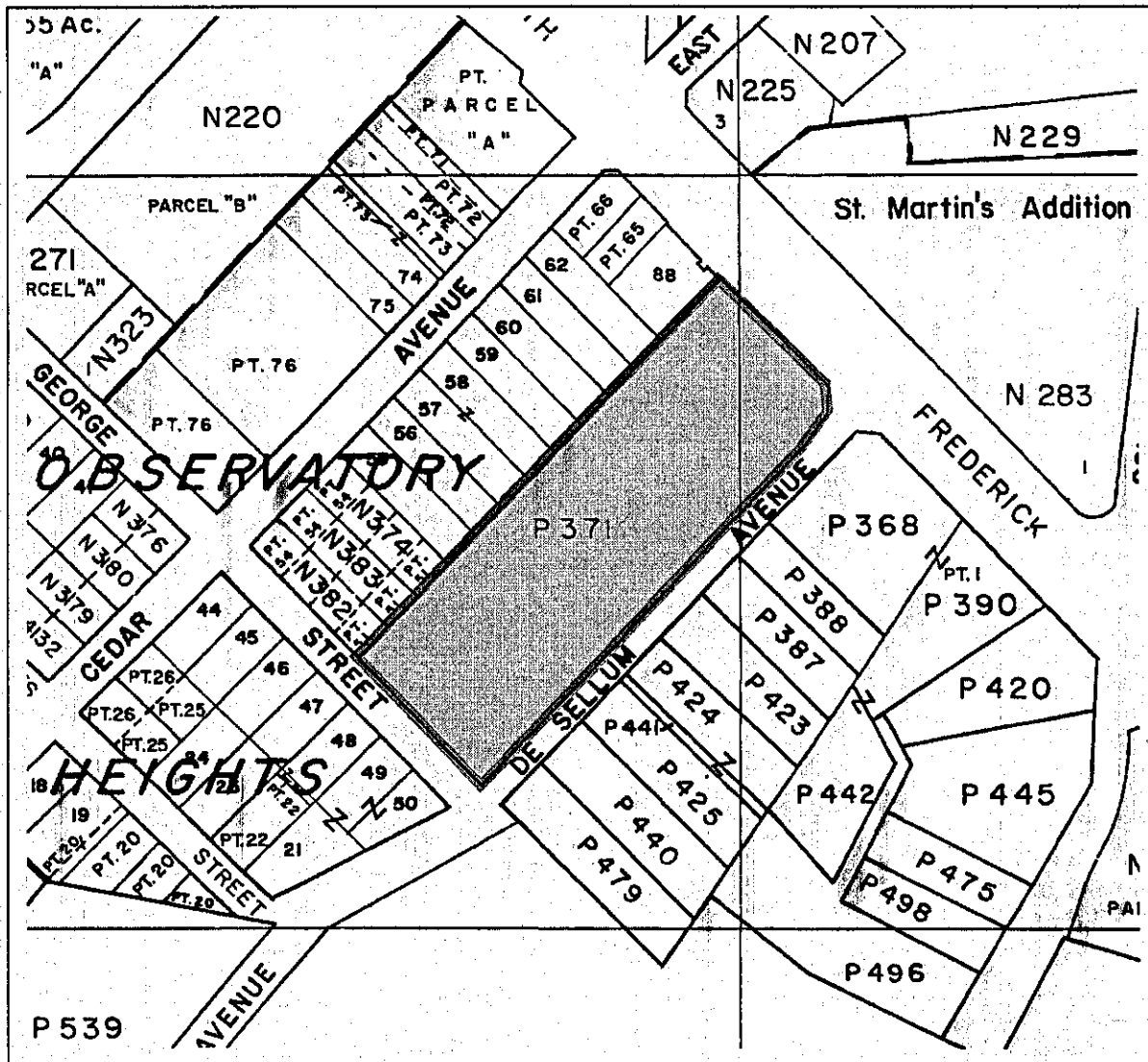
THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 5th day of January, 2004, and the same was approved by the Mayor of the City of Gaithersburg on the 5th day of January, 2004. This Ordinance will become effective on the 26th day of January, 2004.



DAVID B. HUMPTON, City Manager



11. Designate Tax Map FT51 Parcel P371 as Institutional or Commercial-Office-Residential.



This lot, which is owned by St. Martin's Church, was split in two pieces by a previous land use plan, with the front lot zoned R-B and the rear portion R-90. It is important to note that this area is at the entrance to a residential community. The residential character of the area should be retained for any future land use land fronting Frederick Avenue. In addition, the land should be developed in such a way as to preserve the views from Frederick Avenue of the Victorian-era house on the property, including preservation of as much of the "front lawn" of the house as possible.

St. Martin's Church owns the property, so the potential for a church addition remains, but if the property is ever redeveloped as a commercial land use it is

recommended that it be redeveloped with live-work units along Frederick Avenue within a more flexible zoning district such as the CD zoning district. The live-work designation will be an effective buffer between the adjacent residential development by creating a more pedestrian friendly environment and improving the area architecturally. These parcels should be incorporated into the Frederick Avenue Corridor Plan and subject to its design elements.

#### **Land Use and Zoning Actions:**

##### **Option A**

- Adopt Commercial-Office-Residential land use designation
- Recommend Zoning change from R-B and R-90 to CD

##### ***Special Conditions: (Subject to additional public hearing)***

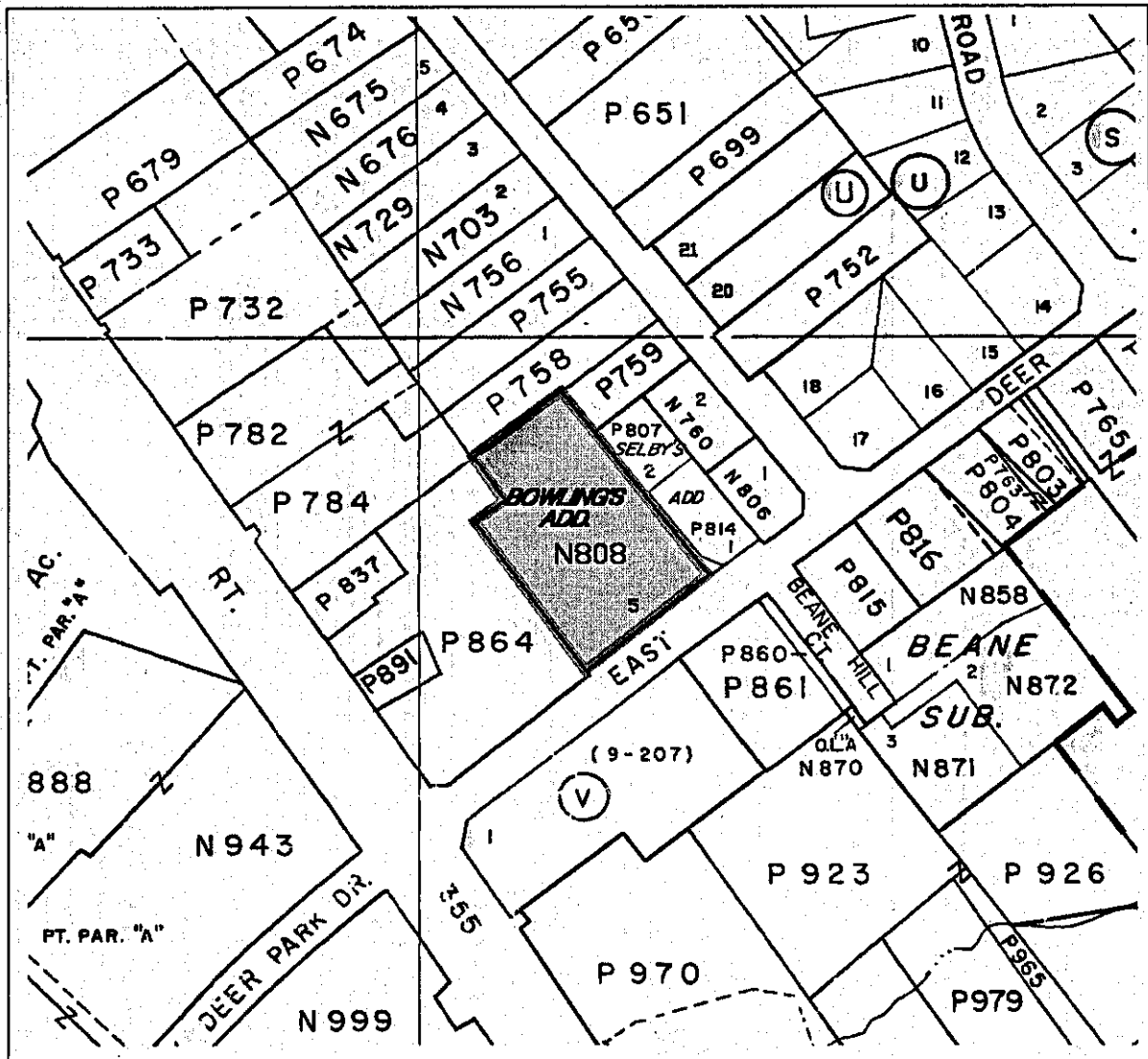
- The work area to be limited to the first two floors.
- The maximum size of live-work unit to be three stories in height.
- Location of live-works to be restricted to frontage along Frederick Avenue

##### **Option B**

- Adopt Institutional land use designation
- Recommend Zoning change from R-B and R-90 to R-A



14. Designate Tax Map FT51 N808 as Commercial-Office-Residential.



This parcel, known as the Deer Park Medical Center, is currently zoned Residential Buffer (R-B) and is located near the corner of East Deer Park Drive and South Frederick Avenue. This area is at the entrance to the residential community of East Deer Park.

It is recommended that the property be redeveloped in the future with live-work units within a more flexible zoning district such as the CD zoning district. The live-work designation will be an effective buffer between the adjacent residential development by creating a more pedestrian friendly environment and improving the area architecturally. An additional landscape buffer will be provided along the shared property lines of the abutting residential uses of the East Deer Park community.

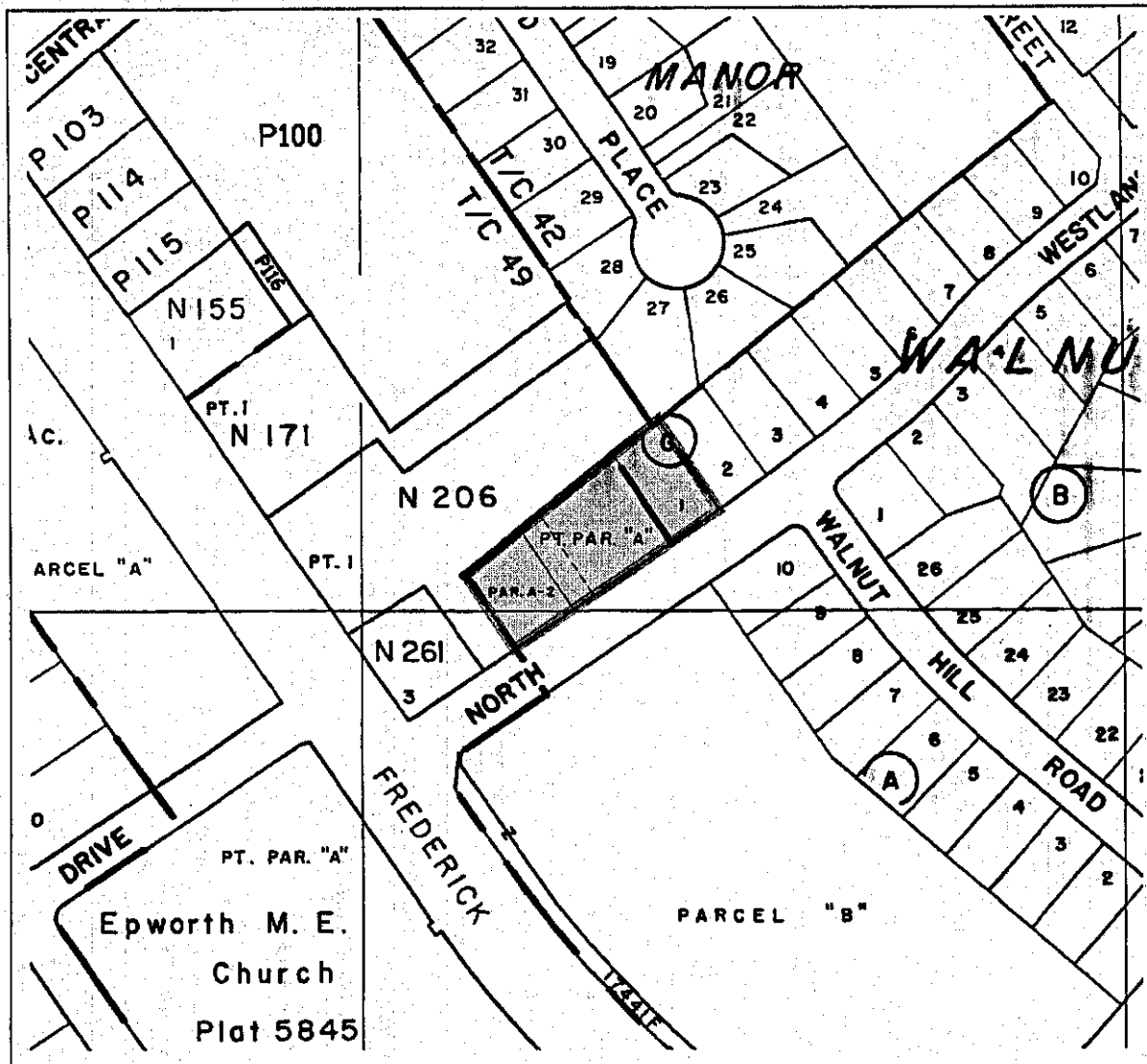
**Land Use and Zoning Actions:**

- Adopt Commercial-Office-Residential land use designation
- Recommend Zoning change to from R-B to CD

***Special Conditions: (Subject to additional public hearing)***

- The work area to be limited to the first two floors.
- The maximum size of live-work unit to be three stories in height.
- Provide a landscape buffer along the northwest property lines.

20. Designate Lot 1 Block G Walnut Hill as Medium-Low Density Residential. Propose the annexation of and designate Tax Map FS63 Parcel A-2 and part of Parcel A as Commercial-Office-Residential.



Lot 1 Block G Walnut Hill is vacant, however, the lot does contain access driveway to Tax Map FS63 Parcel N206 (Goodwill Industries). This lot is located within the City and should be redeveloped as residential consistent with the adjacent property (Lot 2 Block G Walnut Hill).

Parcel A-2 contains a restaurant and part of Parcel A is vacant. These parcels are located within Montgomery County. If annexed, it is recommended that Parcel A-2 and Part of Parcel A be redeveloped in the future with live-work units within a more flexible zoning district such as the CD zone. These lots are located at the entrance to the Walnut Hill and Oakmont Manor residential communities and the live-work designation will continue the residential character of these communities along North

Westland Drive. The development should provide a more pedestrian friendly environment and improve the area architecturally. These parcels should be incorporated into the Frederick Avenue Corridor Plan and subject to its design elements.

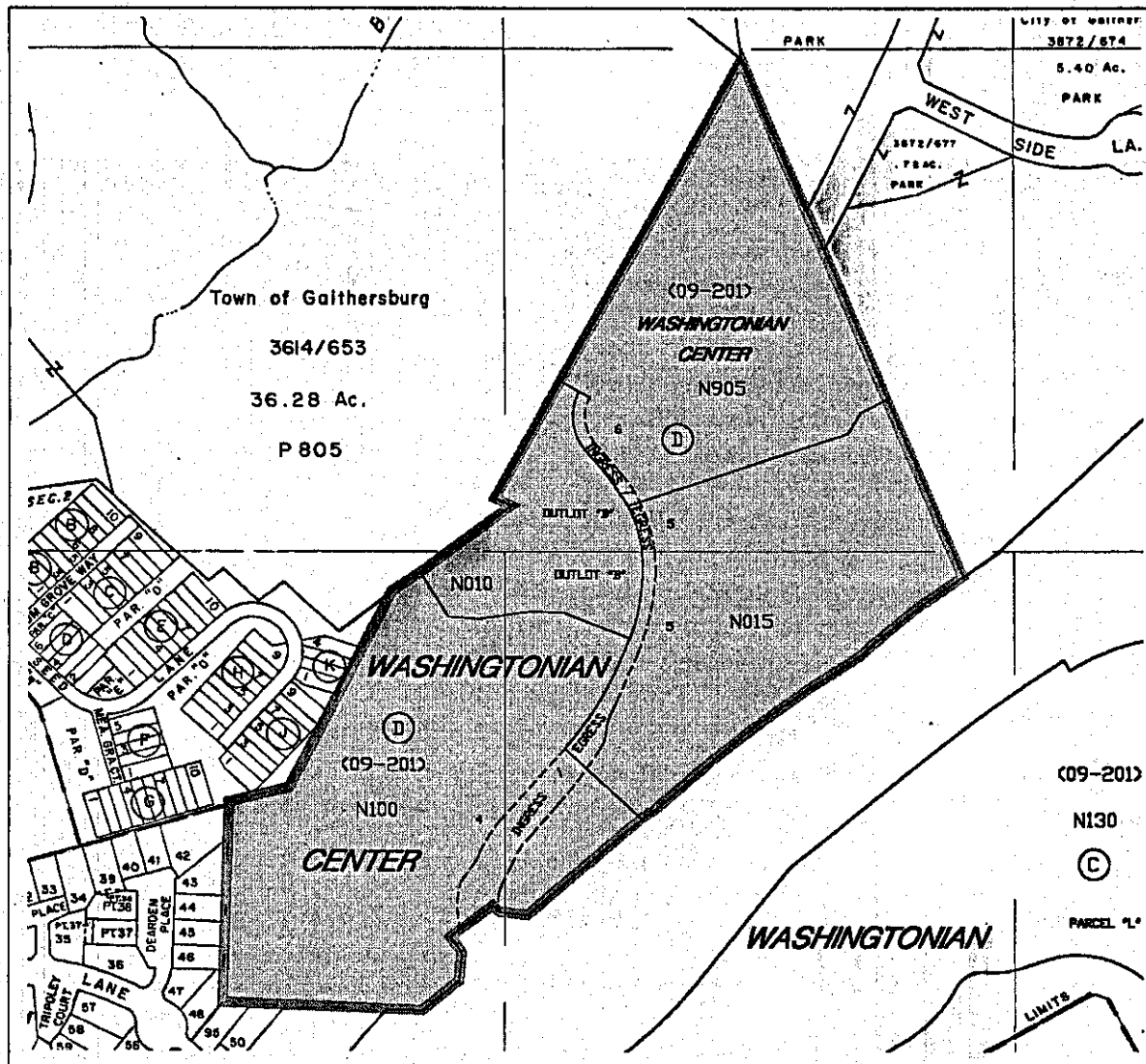
**Land Use and Zoning Actions:**

- Adopt Medium-Low Density Residential land use designation for Lot 1 Block G Walnut Hill
- Zoning remains R-90 for Lot 1 Block G Walnut Hill
- Adopt Commercial-Office-Residential land use designation for Parcel A-2 and Part Of Parcel A, if annexed
- Adopt CD Zoning for Parcel A-2 and Part of Parcel A, if annexed

***Special Conditions: (Subject to additional public hearing)***

- The live-work units work area to be limited to the first two floors.
- The maximum size of live-work unit to be three stories in height.

26. Retain Lots 4 and 5 and part of Lot 6 Block D Washingtonian Center as Commercial/Industrial-Research-Office. Designate Outlot B and part of Lot 6 Block D Washingtonian Center as Open Space.



This 27-acre area is located north of Sam Eig Highway and is known as Washingtonian North. The current land use designation limits development to office, research and residential development uses. Access to this area is provided by a bridge over Sam Eig Highway that links the two sides of the Washingtonian Center.

The land use designation will limit development to office, and research and development uses. Permitted office buildings are limited to the square footage cap outlined in the annexation agreement and accompanying sketch plan, with supporting businesses that are incidental to the main use and contained within a nonresidential building. Commercial development in the form of large, freestanding retail establishments are not consistent with this land use designation and are not permitted.

Twenty-four-hour convenience uses should not be considered within this map designation.

Noise attenuation should be achieved by siting buildings adjacent to Sam Eig Highway and state-of-the-art storm water management practices must continue to be in place to protect Malcolm King Park and Muddy Branch Creek as these lots develop.

A portion of Lot 6 Block B is to be designated as open space and is subject to a land swap between the owner of Lot 6 and the City Of Gaithersburg. Under this arrangement the owner of Lot 6 would receive four (4) acres of the 13-acre Parcel 3 mentioned previously (Map Designation 25), and the City would receive a comparable area of Lot 6 that contains substantial environmental assets, including specimen trees and land adjacent to Malcolm King Park. Should the land swap occur, the land obtained by the City should be preserved and incorporated into the Malcolm King Park and designated as open space and the land obtained from the City should be incorporated into the Washingtonian Center development and designated as commercial-industrial-research-office

For any proposed development, a study should be conducted to determine if West Side Drive could be extended to connect to Washingtonian Boulevard through future planned development. A multi-use path should also be considered through this property in lieu of a future road extension. This could be accomplished over the area previously disturbed by an existing sewer line.

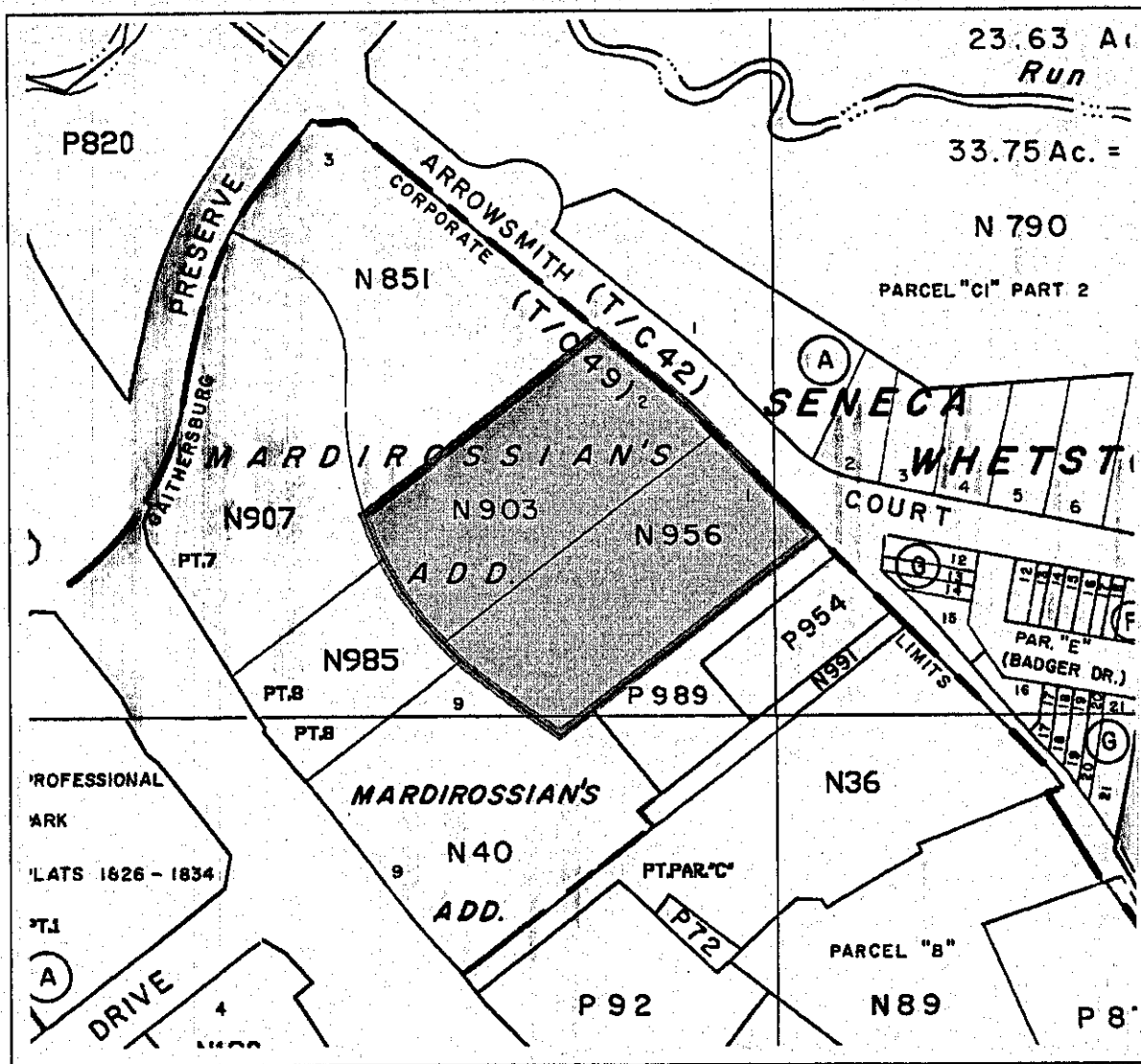
**Land Use and Zoning Actions:**

- Retain Commercial-Industrial-Research-Office land use designation for Lots 4 & 5 and part of Lot 6. Adopt Open Space land use designation for Outlot B and part of Lot 6.
- Zoning remains MXD.

***Special Condition: (Subject to additional public hearing)***

If the land swap occurs, the portion of Lot 6 given to the City shall be designated open space and zoned R-A and the portion of Lot 6 given to the developer of the Washingtonian Center property (Map Designation 26) shall be designated Commercial-Industrial-Research-Office with the zoning remaining MXD.

57. Retain Lot 1 and 2 Mardirossian's Addition as Industrial Research-Office.



These parcels, which are presently master planned commercial, were slated to be developed in the C-2 zone as an indoor skating rink. This project never materialized. The properties are now proposed to be combined and developed as industrial-research-office, similar to the properties to the north and west. Redesignation would permit rezoning of the two parcels to industrial-research office.

Visual buffering and softening of the use from Arrowsmith Court should be addressed. Guidelines recommended for the Frederick Avenue Corridor Study area should be applicable in this study area at the time of any future development. It is also suggested that this issue be further addressed in the transportation element of the master plan with respect to the future of Game Preserve Road.



#### **Land Use and Zoning Actions:**

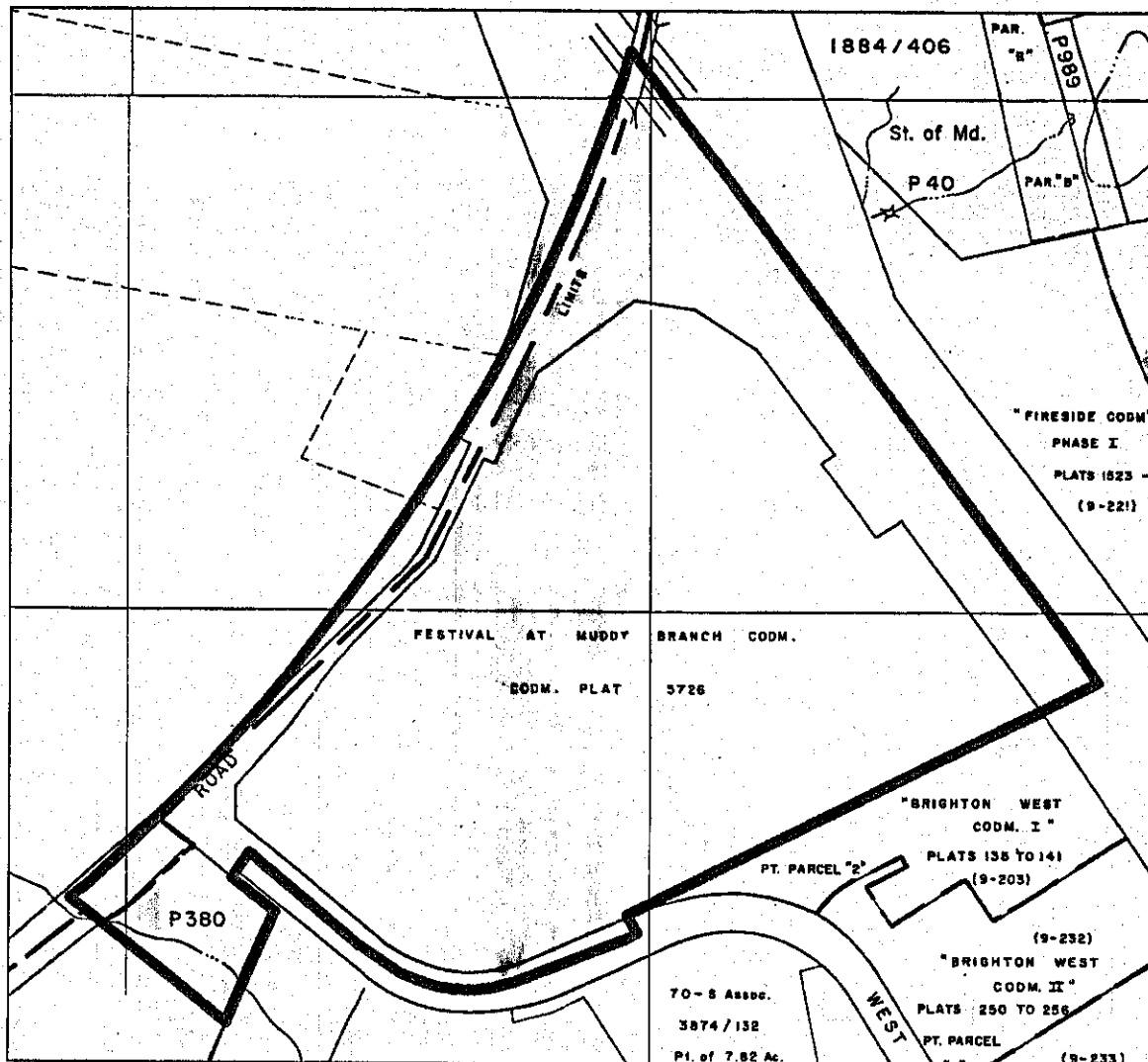
- Retain **Industrial/Research-Office** land use designation
- Zoning remains C-2

#### ***Special Conditions: (Subject to additional public hearing)***

This parcel zoned general commercial (C-2), will be allowed to develop only in a manner consistent with the uses permitted in the City's Urban Employment (E-1) Zone which are allowed in the C-2 Zone, and the following limited C-2 Zone permitted and special exception uses: bank, private recreational building, automobile storage lot without gasoline storage excluding wrecked or damaged vehicles, enclosed automobile showroom, automobile rental, multi-family dwelling, and funeral home. It is intended that development of the parcel be compatible with the adjacent townhouse style offices and residential townhouse developments in terms of scale and type of development. It is recommended that no access be permitted from Watkins Mill Road. Also, no waiver should be granted for the stream valley buffer requirements outlined in the City's Environmental Standards for Development Regulations. The limitations expressed herein are for purpose of promoting compatibility of land uses and mitigating potential negative effects on surrounding properties and the neighborhood.



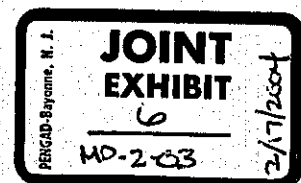
# **SPECIAL STUDY AREA 3: MUDDY BRANCH**



<b>Approximate Total Area:</b>	<b>37 Acres</b>
<b>Existing Land Use:</b>	<b>Retail-Commercial and Undeveloped Land</b>
<b>Current Land Use Designation:</b>	<b>Commercial and Medium Density Residential</b>
<b>Current Zoning:</b>	<b>C-2 (General Commercial) R-20 (Medium Density Residential)</b>

## **TAX MAP REFERENCE:**

Tax Map FS 43 Festival at Muddy Branch Condominium Plat 5726, Part of Parcel 2, Brighton West and Parcel P380



## LOCATION:

The Muddy Branch Study Area is bounded by Muddy Branch Road and Interstate 270. West Side Drive bisects the study area. Governor's Square and Brighton West Apartment properties and Brighton West Condominiums also border the study area.

## BACKGROUND:

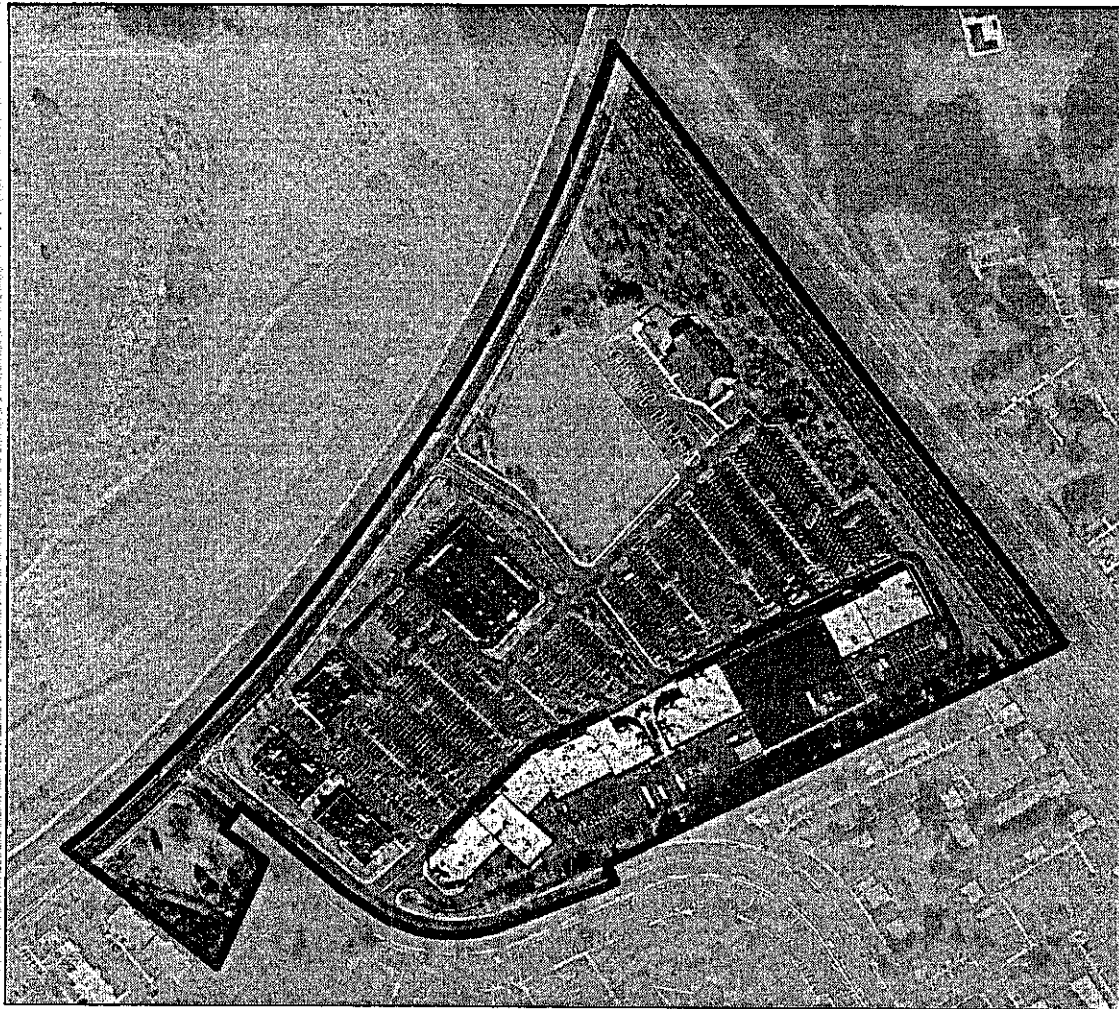
The properties included in the Muddy Branch Study Area were part of two (2) annexations.

Annexation File Number	Effective Date of Annexation	Action by Council	Resolution Number	Number Of Acres
X-074	12/30/1965	11/15/1965	R-14-65	141.9
X-160	04/15/1992	03/02/1992	R-22-92	1.324

*Annexation X-074:* The existing Festival at Muddy Branch shopping center, located on Parcel Four, Brighton West, and a 12 foot wide strip of land south of the right of way of West Side Drive were a part of the Polinger 70S annexation to Gaithersburg in 1974 (X-074). The City reviewed a development plan of the Polinger property and the Town Council adopted specific zones for the properties in 1965. The shopping center is presently zoned C-2 (General Commercial) and the strip of land south of West Side Drive is zoned R-20 (Medium Density Residential).

*Annexation X-160:* The property known as the Schultze Property consisting of 1.33 acres of land was the subject of Annexation case number X-160. In 1992 the Mayor and City Council adopted the Annexation Agreement for X-160 to allow 20 1-bedroom apartment units on the property. The Mayor and City Council also adopted Ordinance No. O-4-92 designating the Schultze Property to be zoned R-20 (Medium Density Residential).

## EXISTING LAND USE/PHYSICAL CHARACTERISTICS:



The 25-acre shopping center property consists of 205,169 square feet of single-story commercial buildings and associated surface parking lot. Based on the existing parking calculations, there is development potential for approximately 30,000 to 40,000 additional square feet of commercial development on the property. The property is encumbered by two-72 inch storm drain pipes within a 50-foot easement.

The Schultze property and the 12-foot wide strip of land are undeveloped. The Schultze property, previous to its annexation into the City had a single-family house and accessory structures on the site. Currently, the property is vacant and is maintained as open land. A stream valley buffer of Muddy Branch tributary does encumber this property. The tributary, floodplains and steep slopes are located within the stream valley buffer.

The slopes range from 0-20% with moderate slopes dominating and steep slopes concentrated throughout the stream valley. The Property is bisected on the south by a tributary of the Muddy Branch and a small pond, which drains into the main stem of

Muddy Branch approximately 1500 feet downstream. Muddy Branch is located south of the property. The soils found on the properties are: Elioak Silt Loam, Gaila Silt Loam, Baile Silt Loam, Glenelg Silt Loam, Wheaton-Urban Land Complex and Hatboro Silt Loam. These soils are prone to erosion if they are not managed by vegetative growth.

Any development of this property would require a Natural Resource Inventory (NRI) and Forest Stand Delineation (FSD) Study in accordance with the Environmental Regulations. The annexation requires that development must comply with current City ordinances and regulations.

## **SPECIAL STUDY AREA REVIEW**

The City of Gaithersburg held a Stakeholders Meeting on September 26, 2002 for the Muddy Branch Study Area. After staff completed the background of the study area, the community spent the remaining time brainstorming possible land use options. The group was in agreement to retain the commercial land use designation on the shopping center property. The land use options suggested at the stakeholders meeting for the Schultze property were commercial, low-density residential, medium-density residential and open space.

These options were presented to the Mayor and City Council and the Planning Commission during a public work session on September 30, 2002. The Mayor and City Council and the Planning Commission endorsed one land use option for the shopping center and two land use options for the Schultze property with a special condition prohibiting waivers of the Environmental Standard Regulations for any development.

## **PROPOSED LAND USE OPTIONS**

### **1. FESTIVAL AT MUDDY BRANCH SHOPPING CENTER**

The majority of the shopping center is developed. There is an undeveloped area intended for future commercial development. Potential development of this property should bring economic growth to the City and needed services to the neighborhood. A substantial down-slope from Muddy Branch Road to the shopping center makes visibility of the shopping center difficult. Techniques to make the shopping center more visible and/or more of a presence to pass-by traffic should be explored with the property owner. The future widening of Interstate 270 may cause the need for expansion of the I-270 right-of-way into the site which may affect existing buildings and parking areas.

#### **Land Use and Zoning Action**

Retain the commercial designation  
Retain property in the C-2 Zone

## **2. SCHULTZE PROPERTY**

### **SPECIAL CONDITIONS:***(Subject to additional public hearing)*

Any development of this property shall comply with the current Environment Regulations at the time of development. It is strongly recommended that no environmental waivers be granted during the development of the property, unless environmental mitigation is proposed and acceptable.

#### **OPTION 1**

**Designate** as open space land use with a future zoning classification of R-A. This would protect the stream and stream valley buffer. The annexation agreement would have to be renegotiated to implement the recommended future zoning classification of this property to the R-A Zone.

##### **Land Use and Zoning Action**

Designate open space land use designation

Zoning remains R-20 (Medium Density Residential)

#### **OPTION 2**

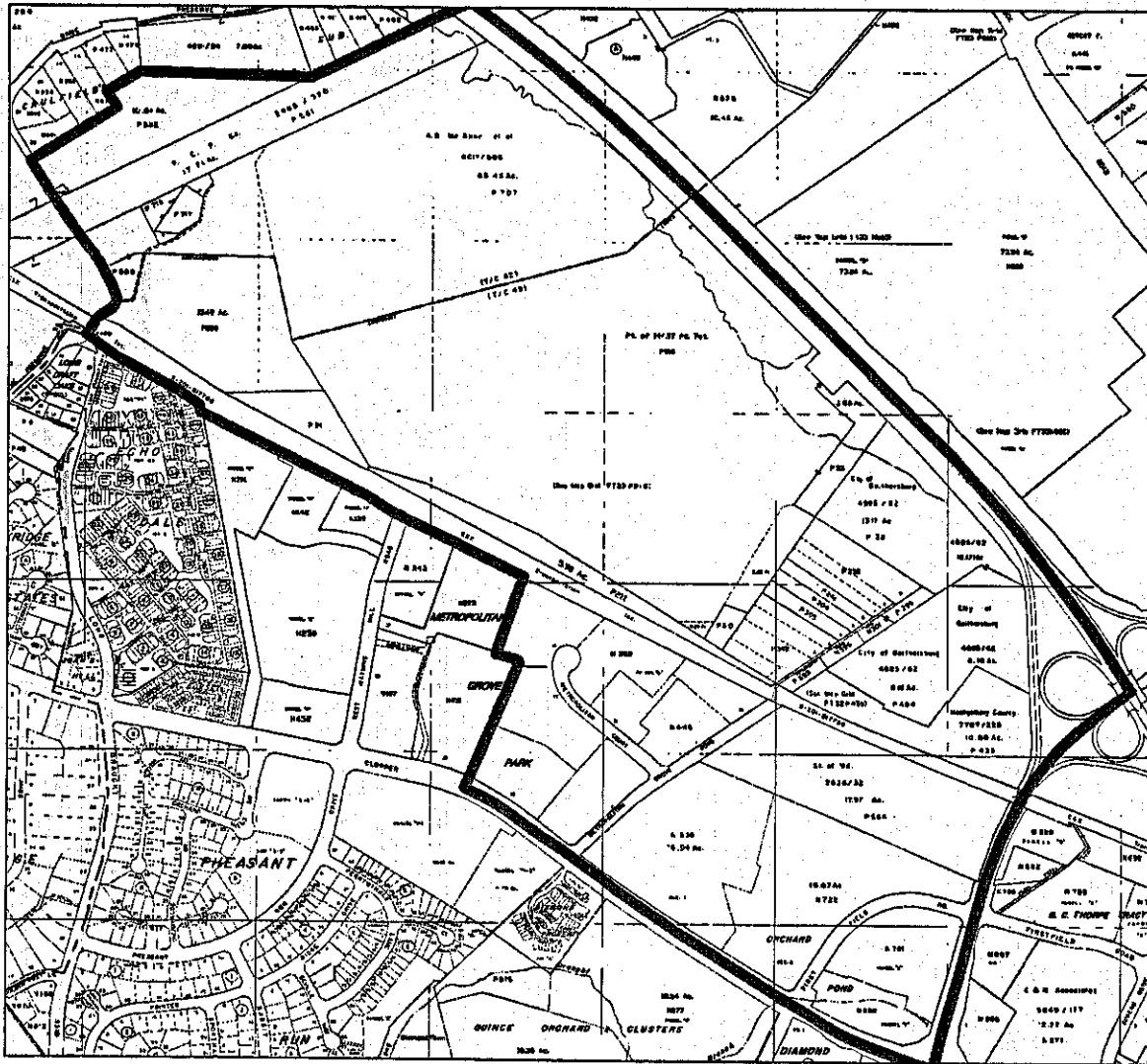
**Designate** as commercial land use with a zoning classification of C-2. A development plan would need to be prepared so that the stream and stream valley buffer are protected and to not allow for any disturbance in this area with the exception of pathways. The annexation agreement would have to be renegotiated.

##### **Land Use and Zoning Action**

Designate as commercial land use designation

Zoning to remain R-20 (Medium Density Residential) until annexation agreement is renegotiated.

## SPECIAL STUDY AREA 7: CASEY-METROPOLITAN GROVE ROAD



**Approximate Total Area:**

**417 Acres**

**Existing Land Use:**

**Undeveloped Land, Office-Industrial-Research,  
Institutional, and Medium Density Residential**

**Current Land Use Designation:**

**Open Space, Mixed Residential,  
Commercial/Industrial-Research-Office,  
Institutional, and Medium Density Residential**

**Current Zoning:**

**MXD (Mixed Use Development)  
R-A (Low Density Residential)  
R-20 (Medium Density Residential)  
I-3 (Industrial Office Park)**



## TAX MAP REFERENCE

Tax Map FT 12 Parcel P21; Tax Map FT 13 Parcels P880, P800, P715, P717, P561, P582, and P695; Tax Map FT 22 Parcels P564, P404, P138, P238, P241, P304, P305, P342, P310, P33, and P211; Tax Map FT23 Parcels P910 and P707; Tax Map FT 32 Parcel P435; Lots 1, 10, 12, 13, 14, 15, 16, and Parcel B Metropolitan Grove Park; and Section 1, Section 2, Parcel A, and Parcel B Orchard Pond

## LOCATION

The Casey-Metropolitan Grove Study Area is bounded by Interstate 270 to the north, Quince Orchard Road to the east, Clopper Road (Route 117) and CSX right-of-way to the south and Seneca Creek State Park to the west.

## BACKGROUND

The Casey-Metropolitan Grove Study Area includes properties that were part of annexation applications X-076, X-089, X-095, X-104 containing approximately 434 acres of land and approximately 50 acres of land located within Montgomery County known as the McGown Tract. However, the study area only incorporates approximately 286 acres of the annexed properties.

Annexation File Number	Effective Date of Annexation	Action by Council	Resolution Number	Number Of Acres
X-076	01/06/1966	11/22/1965	R-15-65	73.0
X-089	04/20/1967	03/06/1967	R-5-67	147.0
X-095	05/31/1968	04/15/1968	R-8-68	198.0
X-104	03/14/1974	01/28/1974	R-6-74	16.0

*Annexation X-076:* There is no recorded annexation agreement for these properties. The Planning Commission approved site plan applications S-263 for Orchard Pond Section I consisting of 312 apartment units on August 4, 1971 and S-355 for Orchard Pond Sections II and III for 435 apartments on August 1, 1973. The State of Maryland owns 17.97 acres of land. The current zoning of the State of Maryland property is R-A (Low Density Residential) and the zoning of Orchard Pond Apartments is R-20 (Medium Density Residential).

*Annexation X-089:* This annexed area is bisected by the CSX right-of-way. North of the CSX tracks consists of approximately 31 acres of City and County owned land and to the south consists of a number of approved and developed final site plan projects and Maryland State-owned property. Although there is no annexation agreement, any development of the City or County owned properties is subject to the approval of the State of Maryland Board of Public Works. The current zoning of these properties are MXD (Mixed Use Development), R-A, and I-3 (Industrial Office Park).

**Annexation X-095:** This property is owned by the Casey Trust, part of P910, and is the largest property in the study area. There is no annexation agreement for the property. The property was zoned I-3 at the time of its annexation. The Mayor and City Council on April 1, 1996 adopted ordinance O-5-96 to approve the comprehensive zoning map amendment application Z-278 that rezoned the property to MXD. A Schematic Development Plan application (SDP-01-001) has been filed for development of the site.

**Annexation X-104:** These parcels are all under different ownership. The properties were zoned I-1 (Light Industrial) at the time of annexation and rezoned to MXD as part of the adopted ordinance O-5-96 to approve the comprehensive zoning map amendment application Z-278.

The McGown Tract is in Montgomery County and under its jurisdiction. It is not within the incorporated limits of the City of Gaithersburg. This area was included within the study area because of its connectivity to the adjacent Casey tract. The current Montgomery County zoning is I-3 (Industrial Park) Zone on the east of the transmission lines and R-200 (One-Family Detached, Large Lot) under the jurisdiction of Montgomery County.

## EXISTING LAND USE AND DEVELOPMENT





The majority of the Casey-Metropolitan Grove Study Area properties north of the CSX right-of-way have not experienced development. This portion of the study area is zoned MXD (Mixed Use Development) and contains several large pieces of property. The largest, part of P910, owned by the Casey Trust, is roughly 100 acres with a land use designation of commercial-office-residential and commercial-industrial-research-office.

The City of Gaithersburg and Montgomery County own a total of 31 acres. The City property at Brown Station Park is designated as open space. The County property land use is designated as institutional and is in use as the Montgomery County Abandoned Auto Storage Lot. There are several smaller one-acre lots with individual owners located just north of the unimproved portion of Metropolitan Grove Road north of the CSX tracks. The current land use for these parcels is commercial-office-residential. Several of these smaller lots are being used for automobile storage. The McGown Tract contains a few single family dwelling units. The rest of this northern portion of the study area, including the City-owned land, is vacant.

The parcels owned by Montgomery County (P435) and City of Gaithersburg (P138, P404) contain a covenant that limits development to a public use. The covenant states that the parcels are to be used solely for a public use approved by the Board of Public Works of Maryland. This covenant is recorded in Montgomery County Land Records, Liber 5765 and Folio 508. The Board of Public Works would have to amend the covenant to allow private development.

The current land use of the McGown Tract, as shown in the 1985 M-NCP&PC Gaithersburg Vicinity Master Plan, is Office/Light Industrial on the east side of the PEPCO Transmission Lines and Low Density Residential, 2-4 units/acre on the west side of the transmission lines.

The Casey-Metropolitan Grove Study Area properties south of the CSX right-of-way have been entirely developed with land uses equally split between a medium density residential apartment complex to the east of Metropolitan Grove Road, called Orchard Pond, and to the west as industrial-research-office buildings. Orchard Pond is a 747-unit, R-20 zoned apartment complex that was constructed in 1975. There exist several large research/development and office type uses which are zoned I-3 on the west side of Metropolitan Grove Road. There are also a bowling alley, public storage buildings, and the Maryland State Motor Vehicle Administration.

Parcel number P564 is currently owned by the State of Maryland and is used for a truck maintenance facility and the distribution of anti-skid materials during the winter months. Parcel number N368 is owned by Montgomery County and is used as a MARC rail line commuter parking lot. These parcels (P564 and N368) are zoned R-A (Low Density Residential) due to their institutional land use designation.

## PHYSICAL CHARACTERISTICS



The Casey-Metropolitan Grove Study Area is rectangular in shape and is bounded on three sides by State of Maryland right-of-way (Interstate 270, Route 117, and Route 124) and the remaining side by Seneca Creek State Park. The CSX right-of-way and tracks bisect the study area. The Casey-Metropolitan Grove Study Area is essentially divided into two distinct areas. The first ("Northern Properties") being the primarily undeveloped land located north of the CSX right-of-way and the second ("Southern Properties") being the developed land south of the CSX right-of-way.

### Northern Properties

The undeveloped land of the northern properties contains a combination of active agricultural field, open land and forest. Forested areas vary from "Mature Forest" dominated by Chestnut Oak and Tulip Poplar to mature "Bottomland" forests dominated by Silver Maple.

The slopes range from 0-25% with moderate slopes dominating and pockets of steep slopes scattered throughout. The northern properties drain into the main stem of Great Seneca Creek or its tributaries. An unnamed perennial tributary to Great Seneca

Creek flows through this portion of the study area as well as several intermittent stream systems. These are the only perennial stream and intermittent streams located on the entire Casey-Metropolitan Grove Study Area.

Existing in the study area are both 100-year floodplain and wetlands. The existing 100-year floodplain information can be found on the FEMA Flood Insurance Maps for the City of Gaithersburg (FEMA, 1982). A wetlands delineation study found eight wetland pockets within the study area. Portions of the wetlands and 100-year floodplain contain forest.

The soils found are dominated by Brinklow-Blocktown channery silt loam (16D), Gaila silt loam (1B and 1C), and Glenelg silt loam (2B). Of the soils found in this portion of the study area, the Baile and Hatboro soils are designated as hydric in "Hydric Soils of the United States". In addition to the hydric soils, there are a number of soils found (Gaila silt loam, Brinklow-Blocktown channery silt loam, Occoquan loam, and Blocktown channery silt loam) that have been identified by the United States Department of Agriculture Soil Conservation Service as highly erodible.

The results of the Wildlife Inventory revealed that the site contains the typical array of urban wildlife species. Of the species found (white-tailed deer, red fox, eastern chipmunk, eastern gray squirrel, eastern cottontail, raccoon, mice, moles and sparrows), none are unusual or unexpected within this area. The information provided regarding the Natural Resource Inventory/Forest Stand Delineation (forests, wetlands, floodplains, stream valley buffer, soils, wildlife, etc.) was provided by Rodger Consulting, Inc. and the NRI/FSD study approved April 2, 2001.

### **Southern Properties**

The entire area making up the southern properties has essentially been developed with land uses equally split between industrial-research-office buildings west of Metropolitan Grove Road and a medium density residential apartment complex, known as Orchard Pond, and a Maryland State maintenance/distribution facility to the east. As with typical industrial-research-office development, the properties' surfaces are mostly impervious due to the large footprint of low-level buildings and large surface parking lots. There is one remaining vacant lot in the I-3 zone located in the southwest quadrant of the CSX right-of-way and Metropolitan Grove Road intersection. This lot has received preliminary site plan approval for a three-story office building. The residential development offers the only substantial green area in this portion of the study area.

### **SPECIAL STUDY AREA REVIEW**

The Casey-Metropolitan Grove Study Area stakeholders meetings were held on October 24, 2002, November 12, 2002, November 25, 2002, January 27, 2003, and February 24, 2003. Initially, the stakeholders were divided up into four focus groups: Recreation and Environment, Economic Development, Transportation and Transit, and

Education and Housing and were provided additional information related to their particular focus group. The focus groups reviewed and discussed the study area as it relate to their specific focus group issues and City themes. The stakeholders along with City staff prepared and presented focus group reports on their issues and findings on November 12, 2002. The final two meetings brought all the stakeholders together and involved the introduction and discussion of the three proposed land use options: 1) Office Development, 2) Private Arts, Entertainment, and Education Center Development, and 3) Mixed Use Development.

The stakeholders recommended that all three proposed land use options be sent to the Mayor and City Council and Planning Commission joint work session. The three land use options, prepared by Staff, were presented to the Mayor and City Council and Planning Commission during a joint public work session on March 24, 2003. The Mayor and City Council and Planning Commission reviewed and discussed the land use options and directed staff to prepare a final report that includes all three options.

The City as well as the stakeholders and focus groups concentrated on the portion of the Casey-Metropolitan Grove Study Area located north of the CSX right-of-way. This is the portion of the study area that is almost entirely made up of vacant land waiting to be developed. The developed southern properties will be discussed and recommendations made by City staff for potential redevelopment.

### **Development Staging and Phasing**

The Casey-Metropolitan Grove Study Area contains the last large area of contiguous undeveloped properties remaining in the City of Gaithersburg that currently does not have an approved plan for development. It is expected that this study area will develop over several years and, to avoid piecemeal development, one amended sketch plan including all public improvements and approximate siting of buildings should be submitted.

There are a number of transportation improvements and development assumptions that must be part of the staging and phasing of any development envisioned for this study area, regardless of the land use option chosen. The implementation of staging elements for this plan will be controlled by the approval process for the Mixed Use Development (MXD) Zone through the schematic development plan (SDP) approval process. In addition, the proposed development will be reviewed and compared to the nine Master Plan Themes adopted by the Mayor and City Council.

This process requires the Mayor and City Council, and the Planning Commission to approve all final decisions on SDP's. Any development in the study area will subsequently be reviewed by the Planning Commission subject to the site development review process required for development in the City. The phasing and density of development is to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the endorsed Master Plan Themes.

## Transportation Improvements

With respect to the master planned roads, transit options, bike paths, and pedestrian walkways, a detailed evaluation of rights-of-way and paving widths, road classifications, and design criteria will be conducted during the anticipated update of the city-wide transportation element of the master plan. However, during the course of review of this study area, previous recommendations relative to certain existing and proposed master planned roadways are still valid within the context of the planned land use decisions, as follows:

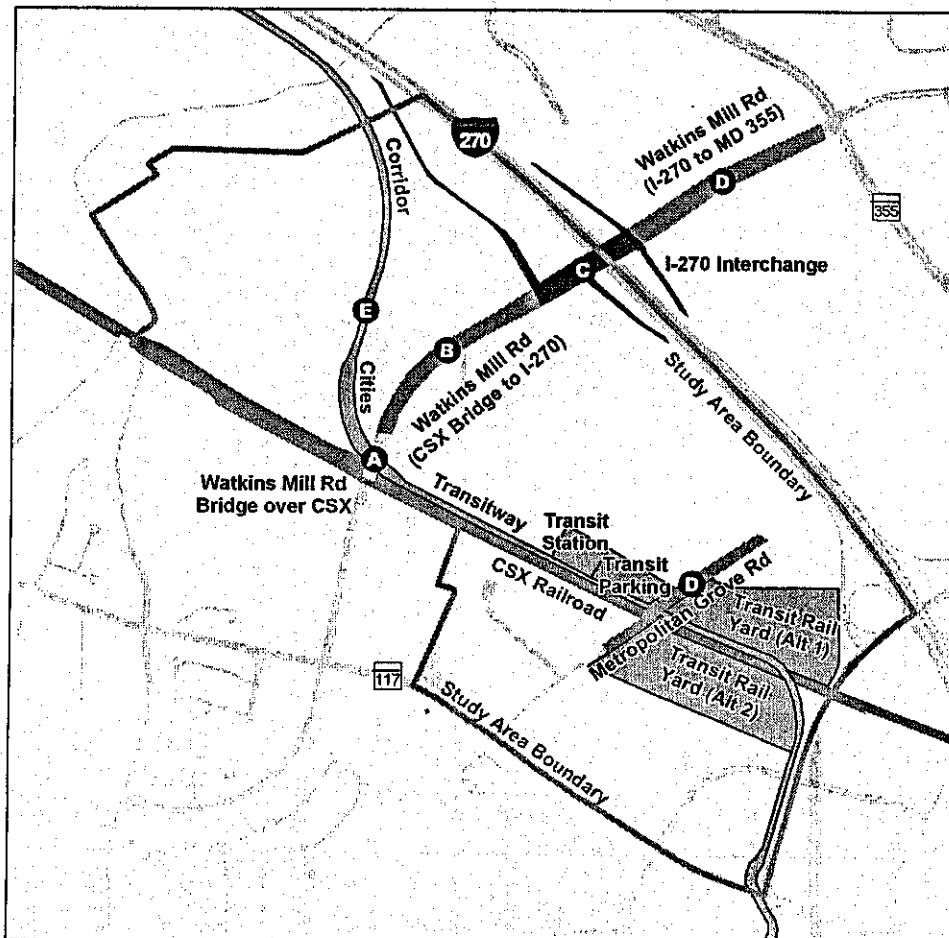
- West Watkins Mill Road, as an arterial roadway with 120 feet of right-of-way will be a maximum six-lane roadway with pedestrian and bicycle capacity. Two access points will be reserved along West Watkins Mill Road for ingress/egress to the study area.
- Metropolitan Grove Road is proposed as an improved street with a grade separated crossing over the CSX rail line with an internal access road linking to West Watkins Mill Road. A feasibility study should be conducted to determine the type of crossing over the CSX rail line for Metropolitan Grove Road. Pedestrian/biker paths should be part of any determined design.
- The reservation of right-of-way for the construction of a transitway along the CSX railroad and the Metropolitan Grove MARC Rail Station, to traverse the Casey-Metropolitan Grove Study Area, and continue north along Interstate 270 must be executed. This transportation improvement is crucial to accommodate the Corridor Cities Transitway (CCT), as well as the type of higher densities of development recommended in the study area and the Montgomery County Master Plans for Shady Grove and Germantown. An eight to ten feet hiker/biker path should be provided along the CCT.
- Direct access from Interstate 270, by way of an interchange, to link with West Watkins Mill Road is an important part of the transportation linkages. Pedestrian and biker access along Watkins Mill Road and past I-270 should be part of any design for the future I-270 Interchange.
- Extension of Metropolitan Court to West Watkins Mill Road will allow direct access of all I-3 zoned properties to West Watkins Mill Road and access to I-270 Interchange without placing traffic on Clopper Road (Route 117). Hiker/biker paths should be included along the roadway.

Phasing of development and the total square footage and number of housing units for each phase will be determined in accordance with the adopted Master Plan Themes and will not be approved until a traffic impact study is submitted and its conclusions acceptable to the City and its traffic engineer. A traffic impact study must demonstrate that critical intersections and links of roads (existing and planned) will operate at acceptable levels of service. The traffic generated by the proposed development, plus all approved subdivisions and all other current uses, shall be considered in determining whether critical intersections and surrounding roads operate at an acceptable level of service. The level of service standard, per the Transportation Theme, assumes that it is the level at which the transportation facilities will operate satisfactorily at maximum

capacity. The traffic impact study should be prepared utilizing: (1) the standard ITE trip generation rates, (2) local trip distribution patterns based on good traffic engineering practices, and (3) the Critical Lane Analysis method to determine acceptable levels of service or any other method readily acceptable. The traffic impact study should also include what, if any, transportation improvements and/or mitigation measures would be employed to bring about acceptable levels of service. Additional information may be required during the course of review of any proposed plan for the area.

### Staging Objectives and Project Goals

- A. Connection between the development and Clopper Road  
*Construction of bridge over CSX rail line and extension of Watkins Mill Road.*
- B. Additional Road Capacity for Future Watkins Mill Interchange at I-270  
*Completed extension of Watkins Mill Road between CSX rail line and I-270*
- C. Access to Interstate (I-270)  
*Completion of Watkins Mill Road and I-270 Interchange*
- D. Linkage to Frederick Avenue and Secondary Access to Site  
*Completed extension of Watkins Mill Road from I-270 to Frederick Avenue and extension of Metropolitan Grove Road to the site*
- E. Local Transit Access  
*Corridor Cities Transit way Constructed to Study Area*





As part of the CCT, there may be a need to provide a Transit Rail Yard at the Casey-Metropolitan Grove Study Area. If the Transit Rail Yard is to be located within the Casey-Metropolitan Grove Study Area, a plan must be reviewed and approved by the Mayor and City Council and Planning Commission as part of the SDP process. The City has proposed two alternative locations for the Transit Rail Yard as follows:

*Alternative 1:* The Montgomery County abandoned auto storage lot located north of and parallel to the CSX right-of-way and east of Metropolitan Road extended. To locate the rail yard in this location will require the cooperation of Montgomery County and the State of Maryland for the relocation of the County auto storage. This site is surrounded by the CSX rail tracks, I-270 Interchange, Metropolitan Grove Road extended, future rail station and parking facility and the City-owned parkland which may make it difficult to provide a viable residential, commercial or office development. All the rail yard buildings, as well as adequate screening in the form of a solid wall and landscaping should be placed along the north side of the site. The intent is to screen the rail yard activity and rail car storage from the City-owned parkland.

*Alternative 2:* The State of Maryland truck maintenance and anti-skid materials distribution facility located south of and parallel to the CSX right-of-way and east of Metropolitan Road extended. To locate the rail yard in this location will require the cooperation of Montgomery County and the State of Maryland for the relocation of the existing State facility. All the rail yard buildings, as well as adequate screening in the form of a solid wall and landscaping should be placed along the south side of the site. The intent is to screen the rail yard activity and rail car storage from the adjacent residential apartment community.

### **Development Assumptions**

- A community charrette should be completed before development plan submission. A charrette agenda should be approved by the City.
- Provide property for transit right-of-way and transit station.
- Provide right-of-way for Watkins Mill Road extended.
- Provide right-of-way for I-270 Interchange.
- Designate area for possible transit rail yard.
- Preserve and maintain environmentally sensitive areas (stream valley buffer, wetland, floodplain, steep slope, etc.) and establish additional parks throughout the development that are outside of environmentally protected areas.
- Preserve 27 acres of City-owned parkland.
- The northern portion of the study area located adjacent to the proposed Corridor Cities Transitway (CCT) right-of-way and bounded by City boundary to the north and the stream valley buffer to the south will be used as parkland.
- A 10-acre site located adjacent to and southwest of the existing 27 acre City-owned parkland and north of the CSX tracks will be used as parkland and/or school site. [see sketch plan] Whether the site can or will be used as a school site

will be determined by conducting feasibility and need assessments involving the City and Montgomery County.

- If the site is to be used as a school site, portions of the 27 acre City-owned parkland outside environmentally sensitive areas could be used as active sports fields to be shared by the City and the school.
- If the site is not to be used as a school site, development compatible to an approved plan for the study area is permitted with the exception that a portion of the land must remain as parkland. The type of compatible development and amount of parkland will be determined by the Mayor and City Council during the required SDP process.
- Provide pedestrian and bike connections to uses within and adjacent to the development.
- Incorporate green building development techniques.
- Innovative stormwater management techniques should be employed such as bio-retention ponds located within or near parking areas.
- At the time of each proposed development a traffic study shall be performed and must meet Transportation Theme requirements. The traffic study will be used to determine the required transportation improvements, traffic mitigation techniques and staging of these improvements that must be completed prior to any development.
- Required infrastructure improvements must be approved and funded publicly or privately for construction before development can proceed.
- Density of development to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the adopted Education and Transportation themes with recommendations from the City Planning Commission.

## **PROPOSED LAND USE OPTIONS:**

As previously stated, due to the CSX right-of-way bisecting the Casey-Metropolitan Grove Study Area, the study area is essentially divided into two distinct areas. The Northern Properties located north of the CSX right-of-way and the focus of the stakeholders meetings and the Southern Properties located south of the CSX right-of-way. The land use options were prepared following this approach and have been separated into the Northern Properties and Southern Properties.

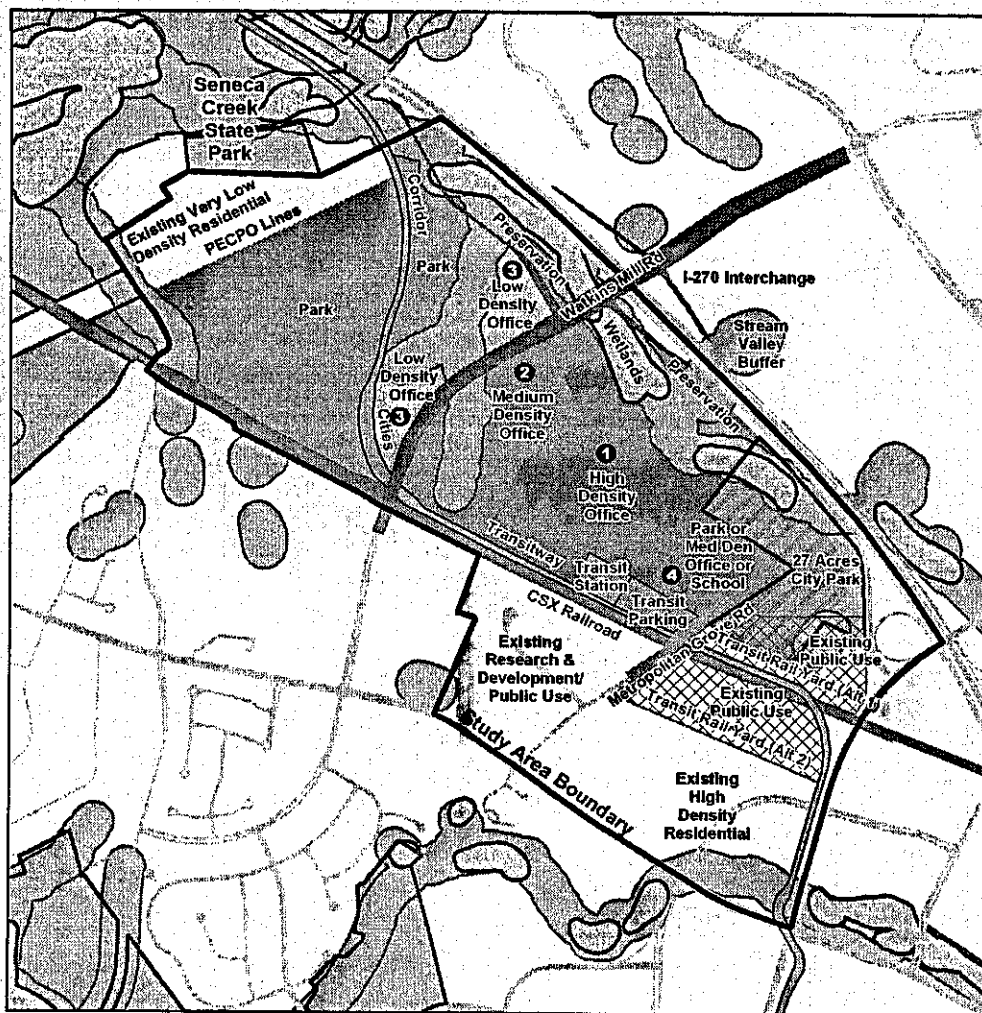
### **NORTHERN PROPERTIES**

Each land use option will have a corresponding sketch plan. The sketch plan will provide map designations that depict the location and type of development proposed. All of the proposed land use options reflect the desire of the City to cluster density around the proposed transit station and develop a transit-oriented development. Density will decrease outward from the transit stop.



**A. Office with a Commercial Component**

Designate as office-commercial with a zoning classification of MXD.



**Map Designation 1:**

High density office will be located in the area near the transit station adjacent to the CSX tracks extending north into the site. This provides a presence along I-270 and the core of the density should be adjacent to the transit station for easy accessibility for office users.

**Map Designation 2:**

The area adjacent to and northwest of the high density office development and adjacent to and east of Watkins Mill extended and the I-270 interchange will be designated medium density office. This provides a presence along I-270 and Watkins Mill Road extended and allows for easy access to I-270, the office uses and transit. A hotel use would be appropriate in this area and should be located east of the I-270 access ramp and Watkins Mill Road extended intersection and north of the medium density office development. A hotel in this location provides an immediate visual presence along I-270 and Watkins Mill Road extended.

### ***Map Designation 3:***

The area adjacent to and west of Watkins Mill Road extended and adjacent to and east of the CCT right-of-way and stream valley buffer will be designated low density office development. The low density office use reduces the visual impact to the proposed parkland and the neighboring residential development. This also allows for a research and development or storage facility component that would not be suitable in the medium to high density office areas.

### ***Map Designation 4:***

A 10 acre area adjacent to and east of the high density office development and adjacent to and west of the City-owned parkland will be designated open space-institutional-medium density office. This area still has easy accessibility to the transit station and the reduction of building height reduces the visual impact from the City-owned property and increase the visibility of the core high density office development. This 10 acre area is further discussed in the Development Assumption section of this report.

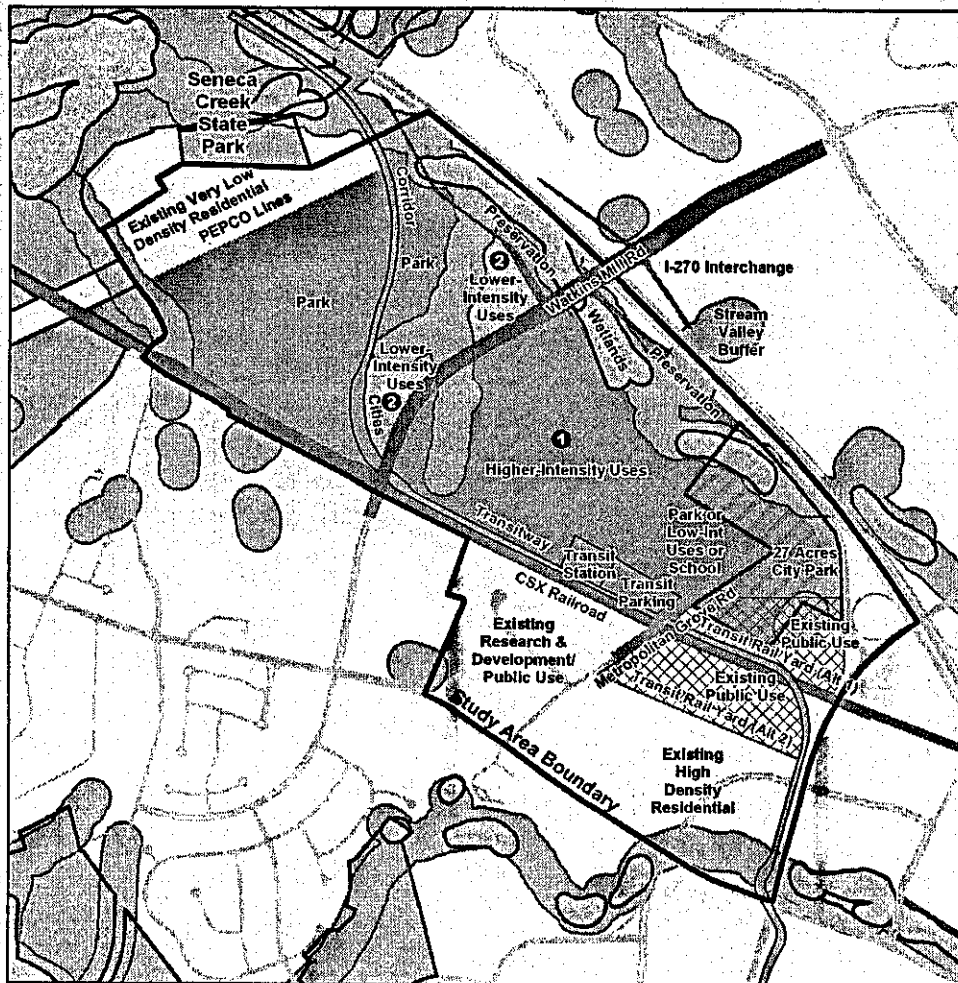
- Commercial development such as personal service, retail and restaurant uses should be located on the first floors of the high density and medium density office structures.
- Low density building heights will range from one to three stories. Medium density building heights will range from three to five stories. High density building heights will range from five to ten stories. Waivers to allow an increase in the medium and high density building heights may be granted by the Mayor and City Council during the SDP process.
- Pedestrian and bicycle paths should be provided connecting the office use to surrounding residential uses and parks.
- Telephone call centers and other users that would require higher parking requirements should only be considered when structured parking can be provided.
- Higher densities in the early stages of development should be considered in order to encourage structured parking to limit environmental impacts by reducing the building footprints.
- A minimum buffer of 100 feet should be provided between the CSX tracks and any office building.

### **Land Use and Zoning Action**

Adopt office-commercial land use designation

Zoning remains MXD (Mixed Use Development)

**Designate as recreational-institutional-commercial with a zoning classification of MXD.**



High intensity uses should be located east of Watkins Mill Road extended. High intensity refers to uses which create a larger impact within the study area and to the surrounding communities. The type of impacts would be, but not limited to, scope and size of development, infrastructure, traffic, and visual. A high intensity use would also take the greatest advantage of the future transportation improvements. This area allows for immediate access to the transit station and I-270 and limits the impact to surrounding residential communities.

Low intensity uses should be located west of Watkins Mill Road extended. Low intensity refers to uses which create a minimal impact within the study area and to the surrounding communities. These uses would require less impervious development, preserve existing trees and provide more green space. This area is adjacent to the stream valley buffer and the majority of the "Mature Forest" in the study area.

**Map Designation 3:**

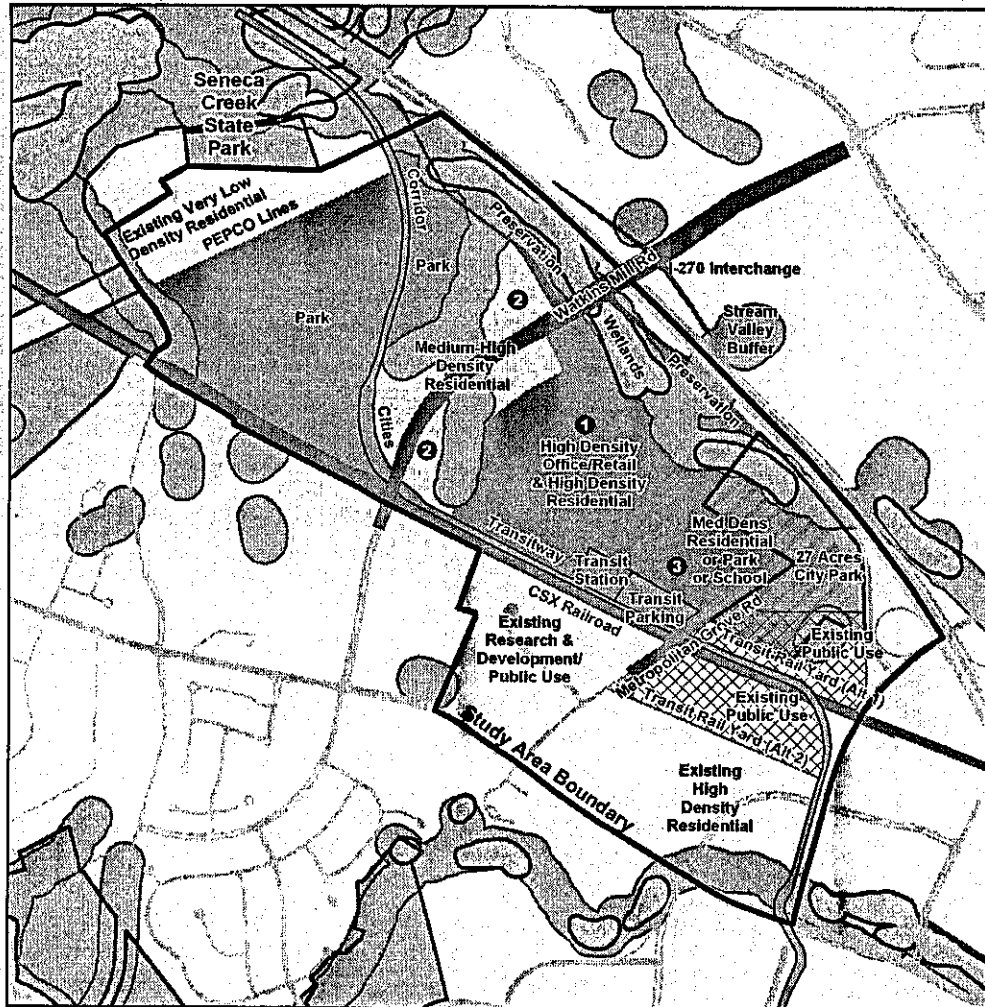
A 10 acre area adjacent to and east of the high intensity development and adjacent to and west of the City-owned parkland will be designated open space-institutional and allow for low intensity uses. This area still has easy accessibility to the transit station and city-owned parkland. Any low intensity use should take advantage of the proximity to the City-owned parkland and incorporate the parkland into the design. This 10 acre area is further discussed in the Development Assumption section of this report.

- The intent of the private arts, entertainment and education land use option is to provide a high quality development that is unique to the City of Gaithersburg and Montgomery County.
- A comprehensive use and design approach should be taken for any proposed private art, entertainment and/or education center plan. A comprehensive plan should tie all the uses and structures together.
- A comprehensive plan can either be limited to a single art, entertainment, or education theme or incorporate two or more of these themes. When developing a single theme or incorporating two or more themes into a comprehensive plan, the uses and buildings must compliment one another. The comprehensive uses will be determined by the Mayor and City Council during the MXD development process.
- A single theme approach can either be a single user for a large portion of the entire area or a number of stand alone uses.
- Suggested auxiliary uses would be included in the list of comprehensive uses. These uses must be clearly secondary to and support the main comprehensive plan uses. The amount, location, and other details will be determined by the Mayor and City Council during the MXD development process.
- One or more hotels may be permitted as an auxiliary use, depending upon the type and extent of development. A hotel must serve the proposed development and be part of a comprehensive plan.
- The comprehensive plan will require an impact study of the full development upon the submission of a schematic development plan, to develop a detailed staging plan.
- A comprehensive plan that consists of a number of separate stand-alone structures and auxiliary uses cannot be fully developed until the transit way is complete and a final impact study has been done to determine the actual amount of development that can occur.
- The final stage of development, whether a comprehensive use plan or stand-alone use plan, should provide incentives for transit use, including free or reduced fare, free shuttles, reduced on-site parking, etc.

**Land Use and Zoning Action**

**Adopt recreational-institutional-commercial land use designation**  
**Zoning remains MXD (Mixed Use Development)**

**C. Mixed Use Office-Residential with a Commercial Component**  
 Retain as mixed use residential-office-commercial with a zoning classification of MXD.



The mixed use option allows for different uses to be integrated with one another such as residential housing and commercial or high rise residential and office with commercial activity. Phasing of development and the total square footage and number of housing units for each phase will not be approved until a traffic impact study is submitted and determined to be acceptable.

**Map Designation 1:**

High density office and residential development should be located around the transit station and adjacent to the CSX. This creates a core area for the development and provides a presence along I-270. The core of the density should be adjacent to the transit station for easy accessibility for office users. The majority of development in this area should consist of the high density office component.



### ***Map Designation 2:***

Medium-high density residential development should be located along both sides of Watkins Mill Road extended and continuing west to the CCT right-of-way. This will allow easy access for the residents to Watkins Mill Road and I-270 and the adjacent parkland. A small amount of commercial uses in the form of live-work units could be located along Watkins Mill Road which should be a good location for commercial uses due to the accessibility and visibility from I-270. This live-work commercial development will act as a buffer between the residential development and the high density development. A hotel use would be appropriate in this area and should be located east of the I-270 access ramp and Watkins Mill Road extended intersection. A hotel would provide a presence along I-270 and Watkins Mill Road extended and allows for easy access to I-270, the office uses and transit.

### ***Map Designation 3:***

A 10 acre area adjacent to and east of the high density office and residential development and adjacent to and west of the City-owned parkland will be designated open space-institutional-medium density office and residential. This area still has easy accessibility to the transit station and the reduction of building height reduces the visual impact from the city-owned property and increase the visibility of the core high density development. This 10 acre area is further discussed in the Development Assumption section of this report.

- Commercial development such as personal service, retail and restaurant uses should be located on the first floors of the high density office and residential structures.
- Residential development must be owner-occupied units to include condominiums and medium density single family dwellings.
- Prior to any residential construction, there must be school capacity available at every level per the adopted Education Theme.
- Medium density building heights will range from two to five stories. High density building heights will range from five to ten stories. Waivers to allow an increase in the high density building heights may be granted by the Mayor and City Council during the SDP process.
- Provide 5 acres of active use parkland outside of environmentally protected areas for non age-restricted mixed use development. Provide 3 acres of active use parkland outside of environmentally protected areas for elderly mixed use housing.

### **Land Use and Zoning Action**

Retain **mixed use residential-office-commercial** land use designation

Zoning remains MXD (Mixed Use Development)

## **SPECIAL CONDITIONS** *(Subject to additional public hearing)*

The following special conditions apply to all of the three development options for the northern properties of the Casey-Metropolitan Grove Road Special Study Area.

- The areas designated as "Park" are to be preserved, as much as possible, in their present condition and that any such development that may be permitted to occur shall limit the amount of disturbance and protect the environment.
- The Development Staging and Phasing, Transportation Improvements, Staging Objectives and Project Goals, and Development Assumptions sections as stipulated above on pages 161-165 of the Casey-Metropolitan Grove Road Special Study Area shall be part of the staging and phasing of any development proposed for this study area, regardless of the land use option chosen.
- The staging, phasing and density of development is to be determined by the Mayor and City Council during the Schematic Development Plan process in accordance with the nine adopted Master Plan Themes.
- The implementation of staging elements for this study area will be controlled by the approval process for the Mixed Use Development (MXD) Zone through the schematic development plan (SDP) approval process.
- Phasing of development and the total square footage and number of housing units for each phase will be determined in accordance with the adopted Master Plan Themes and will not be approved until a traffic impact study is submitted and its conclusions acceptable to the City and its traffic engineer. Development which generates 50 or more peak hour trips will not be approved if it is found that unacceptable critical lane volumes of 1,450 exist at nearby critical intersections (taking into account existing and programmed transportation improvements), unless the developer makes transportation improvements and employs any approved traffic mitigation techniques or public improvements are progressed for construction with public funds committed to such construction that would improve the existing Level of Service (LOS). However, simply meeting the critical lane volume standard of 1,450 does not guarantee that additional improvements can not be required. The traffic impact



study should be prepared utilizing: (1) the standard ITE trip generation rates, (2) local trip distribution patterns based on good traffic engineering practices, and (3) the Critical Lane Analysis method to determine acceptable levels of service or any other method readily acceptable. Additional information may be required during the course of review of any proposed plan for the area.

31 Goodport Court  
Gaithersburg, MD 20878  
H: 240-632-0667  
W: 301-975-5457  
February 11, 2004

Mayor Sidney A. Katz and Gaithersburg City Council  
Gaithersburg City Hall  
31 S. Summit Avenue  
Gaithersburg, MD 20877

Dear Mayor Katz and City Council Members:

For the most part, the report regarding the proposed changes for Special Study Area #7 of Gaithersburg's Master Plan is an excellent document. However, there is one flaw that needs to be remedied. Specifically, the following paragraph on p. 160 needs to be revised:

*The results of the Wildlife Inventory revealed that the site contains the typical array of urban wildlife species. Of the species found (white-tailed deer, red fox, eastern chipmunk, eastern gray squirrel, eastern cottontail, raccoon, mice, moles and sparrows), none are unusual or unexpected within this area. The information provided regarding the Natural Resource Inventory/Forest Stand Delineation (forests, wetlands, floodplains, stream valley buffer, soils, wildlife, etc.) was provided by Rodger Consulting Inc. and the NRI/FSD study approved April 2, 2001.*

This paragraph lists only one of the six species of birds that were catalogued by Rodgers Consulting, and the one species listed (sparrow) is found everywhere in Gaithersburg. In contrast, the Rodgers' report (pp. 11-12) lists the following bird species:

- Sparrows
- Mourning Dove *Zenaida macroura*
- Cardinal *Cardinalis cardinalis*
- Blue Jay *Cyanocitta cristata*
- Black Caped Chickadee *Parus atricapillus*
- Common Crow *Corvus brachyrhynchos*

The Gaithersburg report for Special Study Area #7 should list all of the bird species inventoried by the Rodgers study.

In addition, this land is visited by more bird species than just those six listed by Rodgers Consulting. On occasion, I myself have heard wood thrushes in the vicinity of my neighborhood, which is about 200 yards from the forested area in Special Study Area #7. Wood thrushes are usually only heard in or near large, forested tracts and are unlikely to be found in any other part of Gaithersburg. Although I am not an avian expert, and cannot identify all of the bird songs that I hear, the variety of bird songs that I have heard in my neighborhood would indicate that the forested land in Special Study Area #7 is visited by more than just six species.

The Gaithersburg report for Special Study #7 also needs to disclose that the Natural Resource Inventory was performed by Rodgers Consulting under contract from the developer, BP Realty. In addition, the Gaithersburg report needs to disclose that the Rodgers report was "accepted" without expending any effort to check this report's accuracy or validity.

Finally, the "NRI/FSD" study that the Gaithersburg report references is the same Natural Resource Inventory/Forest Stand Delineation study done by Rodgers and referenced earlier in the same sentence. The wording in the last sentence of the paragraph cited above insinuates that there are two reports, which is not the case.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert", written in dark ink.

Robert Fireovid